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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,133

09/26/2003

Stephen A. Ewald

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6111

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EXAMINER

FADOK, MARK A

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

04/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Non-Responsive Amendment

The reply filed on 1/30/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant states that an adequate response could not be provided in regards to claim 3 (see page 13, third paragraph, of applicant's response. Applicant indicates that since only a paragraph was given it was not possible to determine which reference the examiner was referring to in the rejection. The examiner notes that neither Ewald nor Borovoy contain a para 0043 and Joseph does not have any paragraphs at all, leaving Kesling as the only reference that has a para 0043. Since a simple means of deduction would lead one to understand which reference was intended and a call to the examiner could have resolved this issue before the reply was sent in the examiner, reopening of prosecution is not deemed warranted at this time. However, to afford Applicant a chance to properly respond to claim 3 Applicant is provided 1 month to respond by way of this office action. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**.

The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Mark Fadok/

Primary Examiner, Art Unit 3625